

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**June 26, 2000**

**DIVISION ONE**

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Aragon, J. (Assigned) and S. Beaux, Deputy Clerk.

Each of the following:

B109321/ B116014	Yalamanchili v. Pilani		
B129471	People v. Villasenor et al.		
B129922	People v. Zamudio		
B131237	People v. Davis		
B131494	People v. Wallace		
B131789	People v. Rodriguez		
B132067	People v. Barraillier		
B132106/	People v. Gukasi		
B140523	In re Gukasi on Habeas Corpus		
B132510	People v. Jaime P.		
B132651	Melsek v. State Of California		
B133196	People v. Mukatin		
B133437	Pratch v. Schwallie		
B133695	People v. Reggie M.		
B133822	People v. Vargas		
B133996	People v. Tenorio et al.		
B134143	In re Jessie A./D.C.F.S. v. Nellie A.		
B134270	People v. Walker		
B134430	People v. Barnes		
B140798	In re Barnes on Habeas Corpus	B135763	People v. Palmer
B136006	People v. James H.		
B136015	People v. Tyquan K.		
B136301	People v. Willie Thomas		
B136328	People v. Bell		
B136739	People v. Kevin B. Thomas		

DIVISION ONE (Continued)

Each of the following (continued):

B137027	People v. Sanchez
B137095	In re Tiana W.
B137958	In re Judith W./D.C.F.S. v. Nora W.
B138697	People v. Potts
B140400	Laurie C. v. S.C.L.A. (D.C.F.S.)

Argument waived, cause submitted.

B134488     People  
                 v.  
                 Ramirez

Appearances:

Brent Riggs, deputy district attorney, for appellant and by Lisa R. Greer for respondent. Argument waived, cause submitted.

B132618     People  
                 v.  
                 Machado

Merits:

Argued by Jennevee De Guzman, deputy attorney general, for respondent and by Gerson Simon for appellant. Cause submitted.

B128983     County of Los Angeles  
                 v.  
                 Village Development, et al.

Merits:

Argued by Peter E. Langsfeld for appellants and by Jeffrey W. Broker for respondent Village Development. Cause submitted.

DIVISION ONE (Continued)

B129937     People  
              v.  
              Jackson, Jr., et al.

Merits:

Argued by Jonathan K. Golden for appellant Jackson, by Pierpont M. Laidley for appellant Agullar and by Erika D. Jackson, deputy attorney general, for respondent. Cause submitted.

B131202     People v. Woods et al.  
B136176     In re Woods on Habeas Corpus  
B141878     In re Simms on Habeas Corpus

Merits:

Argued by Sheila Tuller Keiter for appellant Woods, by Paula C. Greenspan for appellant Simms, by Carlo Andreani for appellant Arnold and by Kent Bullard, deputy attorney general, for respondent. Cause submitted.

B134202     People  
              v.  
              Pacific Gaming Technologies

Merits:

Argued by Timothy M. Muscat, deputy attorney general, for appellant and by Edward J. Horowitz for respondent. Cause submitted.

B128917     People  
              v.  
              Tillman et al.

Merits:

Argued by David D. Carico for appellant and by Hebert S. Tetef, deputy attorney general, for respondent. Cause submitted.

Ortega. J. leaves the bench.

DIVISION ONE (Continued)

B136426     Mesplou  
              v.  
              Mesplou

Merits:

Argued by Jeffery W. Doeringer for appellant and by Joanna Rehm for respondent. Cause submitted.

Ortega, J. returns to the bench.

B133075     Clark  
              v.  
              Long Beach Unified School District

Merits:

Argued by Allen L. Thomas for appellant and by Christopher Driscoll for respondent. Cause submitted.

B138030     Radenbaugh et al.  
              v.  
              Franchise Tax Board

Merits:

Argued by Ronald P. Kaplan for appellants and by Marla K. Markman, deputy attorney general, for respondent. Cause submitted.

B133339     People  
              v.  
              Vesquez et al.

Merits:

Argued by Joanna McKim for appellant for Vasquez and by Teresa Torreblanca, deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

B139532 Pullin  
v.  
Superior Court, Los Angeles County  
(The Von's Company, Inc., r.p.i.)

Merits:  
Argued by Cynthia Goodman for real party in interest and by Kendal James for petitioner. Cause submitted.

B130136 Weisman  
v.  
Jon Douglas Company et al.

Merits:  
Argued by John R. Fuchs for appellant and by Darlene R. David for respondents. Cause submitted.

B133788 Coria et al.  
v.  
Aardvark Corporation

Merits:  
Argued by C.M.Gilman for appellant and by Ricard G. Barone for respondents. Cause submitted.

Ortega, J. leaves the bench.

B134305 Y-Axis  
v.  
Pillsbury Madison & Sutro et al.

Merits:  
Argued by Phillip Feldman for appellant and by Joel A. Feuer for respondents. Cause submitted.

Court adjourned.

### June 26, 2000-Continued

## DIVISION ONE (Continued)

B132067 People (Not for Publication)  
v.  
Barraillier

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.  
Aragon, J. (Assigned)

B129922 People (Not for Publication)  
v.  
Zamudio

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.  
Aragon, J. (Assigned)

B134451      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Carl L.

The order denying Carl's section 388 petition is reversed, and the cause is remanded to the dependency court with directions to hold a hearing on that petition.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Aragon, J. (Assigned)

### June 26, 2000-Continued

## DIVISION ONE (Continued)

[illegible]

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Aragon, J. (Assigned)

B134270 People (Not for Publication)  
v.  
Walker

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Aragon, J. (Assigned)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment reflecting a sentence of life without the possibility of parole and reflecting Rodriguez's correct custody credits.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Aragon, J. (Assigned)

B135763 People (Not for Publication)  
v.  
Palmer

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B133644      Steven S.      (Not for Publication)  
v.  
Noel R.  
Adoption of Baron R., a minor

The order is affirmed. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Aragon, J. (Assigned)



### June 26, 2000-Continued

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Aragon, J. (Assigned)

B140400 Laurie C. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Dept of Children & Family Services, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B134430 People (Not for Publication)  
v.  
Barnes

B140798      In re Barnes on Habeas Corpus

The judgment is reversed and the petition for a writ of habeas corpus is dismissed.

Masterson, J.

We concur: Ortega, Acting P.J.  
Aragon, J. (Assigned)

### June 26, 2000-Continued

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Aragon, J. (Assigned)

DIVISION TWO

B133794      Iberti      (Not for Publication)  
v.  
Walker & Zanger

The judgment is affirmed. Respondent(s) to recover costs.

Boren, P.J.

We concur: Nott, J.  
Mallano, J. (Assigned) (Opinion)

## DIVISION THREE

B132000      Air Conditioning Sheet Metal Association      (Not for Publication)  
v.  
Sheet Metal & Air Conditioning Contractors National Assn.

The judgment is affirmed. The matter is remanded to the trial court for further proceedings consistent with this opinion. Costs on appeal are awarded to respondents.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

DIVISION FOUR

B135320 People v. King (Not for Publication)

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The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B137105      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Warren W.

The order is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

DIVISION FIVE

B139642      People      (Not for Publication)  
v.  
Shirley Jean Johns

The appeal is dismissed.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

DIVISION FIVE (Continued)

B134533      Jordan C., et al.                      (Not for Publication)  
                 v.  
                 Michael Josphe Jackson et al.

The judgments are affirmed. Defendants, Michael Joseph Jackson, MJJ Productions, Inc., MJJ Ventures, Inc., Michael Jackson doing business as Mijac Music, Michael Jackson doing business as Miran International, and Michael Jackson doing business as Neverland Valley Ranch, are to recover their costs on appeal, jointly and severally, from plaintiffs, Jordan C. and Evan C. Defendant, Lisa Marie Presley, is to recover her costs on appeal from plaintiff, Evan C.

Turner, P.J.

We concur:    Godoy Perez, J.  
                         Weisman , J. (Assigned)

B134619      People                                      (Not for Publication)  
                 v.  
                 Miller

The judgment is modified to impose a \$50 criminal laboratory analysis fee under Health and Safety Code section 11372.5, subdivision (a), and penalty assessments of \$50 pursuant to Penal Code section 1464, and \$35 as required by Government Code section 76000. As modified, the judgment is affirmed. The clerk of the superior court shall prepare and deliver to the Department of Corrections an amended abstract of judgment setting forth the restitution fines, criminal laboratory analysis fee, and penalty assessments imposed.

Turner, P.J.

We concur:    Grignon, J.  
                         Godoy Perez, J. (Opinion)

## DIVISION FIVE (Continued)

B132919 People (Not for Publication)  
v.  
McGrew

On remand, the trial court must exercise its discretion to either strike or impose a consecutive Penal Code section 667.5, subdivision (b), prior prison term enhancement in accord with all of the requirements of Penal Code section 1385, subdivision (a). The judgment is modified to reflect the imposition of the Penal Code section 1202.45 additional parole restitution fine in the sum of \$3,000 as discussed in the body of this opinion. Upon issuance of the remittitur, the superior court clerk is directed to issue an amended abstract of judgment which correctly reflects both restitution fines imposed and forward it to the Department of Corrections. The judgments are affirmed in all other respects.

Turner, P.J.

We concur:    Armstrong, J.  
                         Godoy Perez, J.

B136918      People      (Certified for Publication)  
v.  
Giovani M.

The order appealed from is affirmed.

Weisman, J. (Assigned)

We concur:   Turner, P.J.  
                      Armstrong, J.

## DIVISION FIVE (Continued)

B130967      People                                  (Certified for Partial Publication)  
v.  
Talibdeen

The judgment is modified to reflect the imposition of a \$50 state penalty assessment under Penal Code section 1464 and the imposition of a \$35 county penalty assessment under Government Code section 76000. The clerk of the superior court is directed to issue a corrected abstract of judgment reflecting the imposition of these assessments, and to forward the corrected abstract to the Department of Corrections. The judgment is affirmed in all other respects.

Weisman, J. (Assigned)

We concur:   Turner, P.J.  
                      Armstrong, J.

B139936 Claire Ragge  
B141824 v.  
Law Offices of Hadsell & Stomer et al.

Filed order consolidating above captioned appeals.

B139677 Amelita Ferrer  
B138565 v.  
Midway Hospital Medical Center et al.

Filed order consolidating above captioned appeals.

DIVISION SIX

B136810      Department of Social Services      (Not for Publication)  
v.  
Lee Ann F.-E.

The judgment is affirmed.

Coffee, J.

We concur:   Gilbert, P.J.  
                  Yegan, J.

B134705      People      (Not for Publication)  
v.  
Chavez

The judgment is affirmed.

Perren, J.

We concur:   Gilbert, P.J.  
                  Coffee, J.

B125211      Virgin et al.      (Not for Publication)  
v.  
County of San Luis Obispo et al.

The judgment granting the writ of mandate is reversed. In all other respects  
the judgment is affirmed. Costs on appeal are awarded to the county.

Gilbert, P.J.

We concur:   Yegan, J.  
                  Perren, J.

DIVISION SIX (Continued)

B130647      San Luis Coastal Unified School District      (Certified for Publication)  
v.  
City of Morro Bay

The judgment is reversed for further proceedings consistent with this opinion. Costs on appeal are awarded to appellant.

Gilbert, P.J.

I concur:      Coffee, J.  
I dissent:      Yegan, J. (Opinion)

B130443      Thrower et al.      (Not for Publication)  
v.  
Vintage Petroleum Company, Inc.

The judgments are affirmed. Costs are awarded to respondents.

Gilbert, P.J.

We concur:      Yegan, J.  
                     Coffee, J.

B130768      Ashley      (Not for Publication)  
v.  
Ashley

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur:      Yegan, J.  
                     Perren, J.



DIVISION SIX (Continued)

B131167      Nicholson                              (Not for Publication)  
v.  
Department of Water Resources

The judgment is affirmed. Costs to respondents.

Coffee, J.

We concur:   Gilbert, P.J.  
                 Perren, J.

B125991      Pearl    (Certified for Publication)  
v.  
Worker's Compensation Appeals Board

We conclude that the WCAB properly denied Pearl's petition for reconsideration. The writ petition is denied. The parties are to bear their own costs.

Gilbert, P.J.

We concur:   Yegan, J.  
                 Perren, J.